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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,562	05/23/2005	Robert Erhart	10191/3949	7426

26646 7590 10/31/2007  
KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK, NY 10004

EXAMINER
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PHAN, RAYMOND NGAN

ART UNIT	PAPER NUMBER
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2111

MAIL DATE	DELIVERY MODE
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10/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/505,562

Applicant(s)

ERHART ET AL.

Examiner

Raymond Phan

Art Unit

2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-28 is/are allowed.
- 6) ☒ Claim(s) 15 and 18-21 is/are rejected.
- 7) ☒ Claim(s) 16 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10 22 07</u> | 6) <input type="checkbox"/> Other: _____  |

### **Part III DETAILED ACTION**

#### ***Notice to Applicant(s)***

1. This action is responsive to the following communications: amendment filed on August 17, 2007.
2. This application has been examined. Claims 15-28 are pending.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15, 18-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Zimmermann et al. (US No. 6,727,844) in view of Akbarian et al. (US No. 6,161,524).

In regard to claims 15, 19-20, Zimmermann et al. disclose an apparatus for sensing an object and for outputting ascertained object data, comprising: at least one object-detection device (1, 2) (see figure 2, col. 4, lines 7-14); a connector element for connection to a data bus (not shown) (see col. 4, lines 35-45); and an arrangement configure, via the connector element, to transmit measurement data up to a maximum possible number of detected objects (11, 12, 21, 22) (see figure 2, col. 4, lines 10-19). But Zimmermann et al. do not clearly disclose the step of for sending, via the connector element, a fixed, predetermined number of data packets provided for transmitting measurement data. However Akbarian et al. disclose the use of CAN data bus to send measurement data between the sensors 3 and the processing unit 9 (see col. 5, lines 4, lines 56-65). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was

made to have combined the teachings of Akbarian et al. within the system of Zimmermann et al. because it would provide a suitable interface for communicating various information to various applications.

In regard to claim 18, Zimmermann et al. disclose wherein: the apparatus is at least one of a transmitting and receiving device for radar radiation, a transmitting and receiving device for lidar radiation, and a receiving device for an image processing system (see col. 6, lines 1-15).

In regard to claim 21, Zimmermann et al. disclose wherein the apparatus is used in a motor vehicle in a device for adaptive cruise control along the lines of a constant-distance control and a constant-speed control (see col. 6, lines 15-24).

#### ***Allowable Subject Matter***

5. Claims 22-28 are allowable over the prior of records.
6. Claims 16-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The Examiner's statement of reasons for the indication of allowable subject matter can be found in the previous Office Action.

#### ***Response to Amendment***

8. Applicant's arguments, see on pages 5-6, filed on August 13, 2007, with respect to the rejection of claims 15, 18-21 under 35USC103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Zimmermann et al.

***Conclusion***

9. Claims 15, 18-21 are rejected. Claims 16-17 are objected. Claims 22-28 are allowed.

10. The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure.

**Winner et al. (US No. 6,580,385)** disclose an object detection system.

**Ahmed-Zaid et al. (US No. 6,968,266)** disclose the object detection in adaptive cruise control.

**Gilling (US No. 5,761,629)** discloses the method and apparatus for cruise control.

**Swoboda et al. (US Pub No. 2004/0149504)** disclose the adaptive cruise control device for a motor vehicle.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Raymond Phan, whose telephone number is (571) 272-3630. The examiner can normally be reached on Monday-Friday from 6:30AM- 4:00PM. The Group Fax No. (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [raymond.phan@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 central telephone number is (571) 272-2100.



**Raymond Phan  
Patent Examiner  
Tech Center 2100**